Amendments to the Claims:

Please amend claim 1, 5, 7 and 8 and cancel claims 3 and 4 as shown in the following listing of claims. This listing of claims will replace all prior versions and listings of claims in the application:

1. (currently amended) A data rate controller system for providing control instructions for a network, the system comprising:

a plurality of channels, each channel having at least one associated encoder; and

a ~~central~~ controller operable to receive ~~statistical information, including~~ lost-frame-rate information[[,]] about each channel, determine if the lost-frame-rate is above a predetermined threshold, ~~operable to~~ determine a type of encoder ~~that should~~ to be run on each channel based on said ~~statistical information~~ lost-frame rate determination, and ~~operable to~~ send a control instruction to each channel to facilitate implementation of the determined encoder, wherein the control instruction causes a lower-rate encoder to be used on at least a portion of the channels.

2-4. (cancelled)

5. (currently amended) The data rate controller of claim [[4]] 1 , wherein the lower rate encoder is determined to fit within the processor resources of the channel.

6. (Original) The data rate controller of claim 5, wherein the lower-rate encoder is determined to fit within the resources of the network.

7. (currently amended) The data rate controller of claim [[4]] 1, wherein the control instruction causes a lower packetization interval to be used on at least a portion of the channels.

8. (currently amended) The data rate controller of Claim [[3]] 1, wherein the ~~set limit~~ predetermined threshold is approximately two percent.

9-27. (Cancelled)